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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/815,247	09/815,247 03/22/2001		Paul H. Maier JR.	1768.2002-000	6487
26799	7590	09/13/2005		EXAMINER	
IP LEGAL			POPE, DARYL C		
ONE TOW		RITY SERVICES R ROAD	ART UNIT	PAPER NUMBER	
BOCA RAT	ON, FL	33486	2632		

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.	Applicant(s)	
09/815,247	MAIER, PAUL H.	
Examiner	Art Unit	
DARYL C. POPE	2632	

Before the Filing of an Appeal Brief	Examiner	Art Unit					
	DARYL C. POPE	2632					
The MAILING DATE of this communication appe	ears on the cover sheet with the c	correspondence add	ress				
 THE REPLY FILED <u>13 April 2004</u> FAILS TO PLACE THIS APP		· ·					
 The reply was filed after a final rejection, but prior to or o this application, applicant must timely file one of the folloplaces the application in condition for allowance; (2) a No (3) a Request for Continued Examination (RCE) in comp following time periods: 	n the same day as filing a Notice o owing replies: (1) an amendment, a otice of Appeal (with appeal fee) in	f Appeal. To avoid ab ffidavit, or other evide compliance with 37 (ence, which CFR 41.31; or				
a) \square The period for reply expires 3 months from the mailing date of							
b) The period for reply expires on: (1) the mailing date of this Adv event, however, will the statutory period for reply expire later the Examiner Note: If box 1 is checked, check either box (a) or (b). MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f.	an SIX MONTHS from the mailing date o . ONLY CHECK BOX (b) WHEN THE FI).	f the final rejection. RST REPLY WAS FILE	D WITHIN TWO				
Extensions of time may be obtained under 37 CFR 1.136(a). The date on peen filed is the date for purposes of determining the period of extension a CFR 1.17(a) is calculated from: (1) the expiration date of the shortened stabove, if checked. Any reply received by the Office later than three month parned patent term adjustment. See 37 CFR 1.704(b).	and the corresponding amount of the fee. atutory period for reply originally set in the s after the mailing date of the final rejection	The appropriate extension final Office action; or (2) on, even if timely filed, ma	on fee under 37 as set forth in (b) ay reduce any				
 The Notice of Appeal was filed on A brief in com of filing the Notice of Appeal (37 CFR 41.37(a)), or any e Since a Notice of Appeal has been filed, any reply must be 	extension thereof (37 CFR 41.37(e)), to avoid dismissal o	of the appeal.				
AMENDMENTS							
The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below);							
(c) They are not deemed to place the application in be appeal; and/or	·	educing or simplifying	the issues for				
(d)☐ They present additional claims without canceling a		jected claims.					
NOTE: <u>See: Attached Sheet</u> . (See 37 CFR 1.116							
4. The amendments are not in compliance with 37 CFR 1.1		ompliant Amendment	(PTOL-324).				
5. Applicant's reply has overcome the following rejection(s		time also file al amage almo					
 Newly proposed or amended claim(s) would be a the non-allowable claim(s). 	illowable it submitted in a separate	, timely filed amendir	ient cancering				
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows:		ill be entered and an	explanation of				
Claim(s) allowed:							
Claim(s) objected to:		*					
Claim(s) rejected: Claim(s) withdrawn from consideration:							
AFFIDAVIT OR OTHER EVIDENCE		•	÷				
3. The affidavit or other evidence filed after a final action, be because applicant failed to provide a showing of good an and was not earlier presented. See 37 CFR 1.116(e).							
 The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to a showing a good and sufficient reasons why it is necessar The affidavit or other evidence is entered. An explanation 	overcome <u>all</u> rejections under appe ry and was not earlier presented. S	al and/or appellant fa See 37 CFR 41.33(d)(ils to provide a 1).				
REQUEST FOR RECONSIDERATION/OTHER		•					
 The request for reconsideration has been considered bu <u>See Attached Sheet.</u> 	at does NOT place the application i	n condition for allowa	nce because:				
12. Note the attached Information Disclosure Statement(s).13. Other:	(PTO/SB/08 or PTO-1449) Paper	No(s).	14 0				
•	(~	DARYL/CPOPE Primary Examiner Art Unit: 2632	/4				
		, at Other 2002					

Application/Control Number: 09/815,247

Art Unit: 2632

Advisory Action

1. Amendment filed 4/13/2004 has not placed application in condition for allownace, since it raises issues of new matter as addressed in final rejection mailed 1/14/2004.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is (571) 272-2959. The examiner can normally be reached on M-TH 8:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL WU can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daryl C. Pope

Sept. 8, 2004

DARYL C POPE Primary Examiner

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